

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANN ARBOR CENTER FOR INDEPENDENT
LIVING, INC., *et al.*,

Plaintiffs,

Case No. 05-60283

v.

Hon. John Corbett O'Meara

CITY OF ANN ARBOR, MICHIGAN, and
DOWNTOWN DEVELOPMENT AUTHORITY,

Defendants.

ORDER OF PARTIAL DISMISSAL

Plaintiffs filed their class action complaint on July 26, 2005; the case was reassigned from the Honorable Anna Diggs Taylor to this court on December 9, 2005. Plaintiffs' complaint alleges violations of the Americans with Disabilities Act ("ADA"), the Rehabilitation Act of 1973, and M.C.L. § 37.1301-1302. Although Plaintiffs' ADA and Rehabilitation Act claims are cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiffs' claim under M.C.L. § 37.1301-1302 arises under state law. Pursuant to 28 U.S.C. § 1337(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Because Plaintiffs do not assert diversity jurisdiction under 28 U.S.C. § 1332, this court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim.

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' third cause of action pursuant to

M.C.L. § 37.1301-1302 is DISMISSED.

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: January 24, 2006